

SENATE BILL NO. 826

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on _____)

(Patron Prior to Substitute--Senator Bell)

A BILL to amend and reenact §§ 2.2-2905, 2.2-3706, 2.2-3802, 9.1-161, 9.1-601, 15.2-1721.1, 23.1-809, 23.1-812, 23.1-815, 59.1-148.3, 65.2-107, 65.2-402, and 65.2-402.1 of the Code of Virginia, relating to institutions of higher education; campus safety; authority to employ campus security personnel.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2905, 2.2-3706, 2.2-3802, 9.1-161, 9.1-601, 15.2-1721.1, 23.1-809, 23.1-812, 23.1-815, 59.1-148.3, 65.2-107, 65.2-402, and 65.2-402.1 and of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2905. Certain officers and employees exempt from chapter.

The provisions of this chapter shall not apply to:

- 1. Officers and employees for whom the Constitution specifically directs the manner of selection;
- 2. Officers and employees of the Supreme Court and the Court of Appeals;
- 3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
- 4. Officers elected by popular vote or by the General Assembly or either house thereof;
- 5. Members of boards and commissions however selected;
- 6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
- 7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;

- 27 8. The presidents and teaching and research staffs of state educational institutions;
- 28 9. Commissioned officers and enlisted personnel of the National Guard;
- 29 10. Student employees at institutions of higher education and patient or inmate help in other state
30 institutions;
- 31 11. Upon general or special authorization of the Governor, laborers, temporary employees, and
32 employees compensated on an hourly or daily basis;
- 33 12. County, city, town, and district officers, deputies, assistants, and employees;
- 34 13. The employees of the Virginia Workers' Compensation Commission;
- 35 14. The officers and employees of the Virginia Retirement System;
- 36 15. Employees whose positions are identified by the State Council of Higher Education and the
37 boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown
38 Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New
39 College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and
40 approved by the Director of the Department of Human Resource Management as requiring specialized
41 and professional training;
- 42 16. Employees of the Virginia Lottery;
- 43 17. Employees of the Department for the Blind and Vision Impaired's rehabilitative manufacturing
44 and service industries who have a human resources classification of industry worker;
- 45 18. Employees of the Virginia Commonwealth University Health System Authority;
- 46 19. Employees of the University of Virginia Medical Center. Any changes in compensation plans
47 for such employees shall be subject to the review and approval of the Board of Visitors of the University
48 of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia
49 Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the
50 provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
- 51 20. In executive branch agencies the employee who has accepted serving in the capacity of chief
52 deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential
53 assistant for policy or administration. An employee serving in either one of these two positions shall be

54 deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in
55 this exempt capacity;

56 21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the
57 provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

58 22. Officers and employees of the Virginia Port Authority;

59 23. Employees of the Virginia College Savings Plan;

60 24. Directors of state facilities operated by the Department of Behavioral Health and
61 Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a
62 contract pursuant to § 37.2-707. Such employees shall remain subject to the provisions of the State
63 Grievance Procedure (§ 2.2-3000 et seq.);

64 25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as
65 state employees for purposes of participation in the Virginia Retirement System, health insurance, and all
66 other employee benefits offered by the Commonwealth to its classified employees;

67 26. Employees of the Virginia Indigent Defense Commission;

68 27. Any chief of a campus police department that has been designated by the governing body of a
69 public institution of higher education or the Office of Public Safety and Security Services of the Board of
70 Visitors of the Virginia School for the Deaf and the Blind as exempt, pursuant to § 23.1-809;

71 28. The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic
72 Beverage Control Authority; and

73 29. Officers and employees of the Fort Monroe Authority.

74 **§ 2.2-3706. Disclosure of law-enforcement and criminal records; limitations.**

75 A. Records required to be released. All public bodies engaged in criminal law-enforcement
76 activities shall provide the following records when requested in accordance with the provisions of this
77 chapter:

78 1. Adult arrestee photographs taken during the initial intake following the arrest and as part of the
79 routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases
80 until such time as the release of the photograph will no longer jeopardize the investigation;

81 2. Information relative to the identity of any individual, other than a juvenile, who is arrested and
82 charged, and the status of the charge or arrest; and

83 3. Records of completed unattended death investigations to the parent or spouse of the decedent
84 or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided
85 the person is not a person of interest or a suspect. For the purposes of this subdivision, "unattended death"
86 means a death determined to be a suicide, accidental or natural death where no criminal charges will be
87 initiated, and "immediate family" means the decedent's personal representative or, if no personal
88 representative has qualified, the decedent's next of kin in order of intestate succession as set forth in §
89 64.2-200.

90 B. Discretionary releases. The following records are excluded from the mandatory disclosure
91 provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such
92 disclosure is prohibited by law:

93 1. Criminal investigative files, defined as any documents and information, including complaints,
94 court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness
95 statements, and evidence, relating to a criminal investigation or prosecution not required to be disclosed
96 in accordance with § 2.2-3706.1;

97 2. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii)
98 investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments
99 of public institutions of higher education or the Office of Public Safety and Security Services of the
100 Virginia School for the Deaf and the Blind established pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter
101 8 of Title 23.1;

102 3. Records of local law-enforcement agencies relating to neighborhood watch programs that
103 include the names, addresses, and operating schedules of individual participants in the program that are
104 provided to such agencies under a promise of anonymity;

105 4. All records of persons imprisoned in penal institutions in the Commonwealth provided such
106 records relate to the imprisonment;

107 5. Records of law-enforcement agencies, to the extent that such records contain specific tactical
108 plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the
109 general public;

110 6. All records of adult persons under (i) investigation or supervision by a local pretrial services
111 agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation,
112 probation supervision, or monitoring by a local community-based probation services agency in accordance
113 with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or supervision by state
114 probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1;

115 7. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for
116 cellular telephones, pagers, or comparable portable communication devices provided to its personnel for
117 use in the performance of their official duties;

118 8. Those portions of any records containing information related to undercover operations or
119 protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations
120 or protective details. Nothing in this subdivision shall operate to allow the withholding of information
121 concerning the overall costs or expenses associated with undercover operations or protective details;

122 9. Records of (i) background investigations of applicants for law-enforcement agency
123 employment, (ii) administrative investigations relating to allegations of wrongdoing by employees of a
124 law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement
125 agencies that are made confidential by law;

126 10. The identity of any victim, witness, or undercover officer, or investigative techniques or
127 procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited or
128 restricted under § 19.2-11.2; and

129 11. Records of the Sex Offender and Crimes Against Minors Registry maintained by the
130 Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information
131 obtained from state, local, and regional officials, except to the extent that information is required to be
132 posted on the Internet pursuant to § 9.1-913.

133 C. Prohibited releases. The identity of any individual providing information about a crime or
134 criminal activity under a promise of anonymity shall not be disclosed.

135 D. Noncriminal records. Public bodies (i) engaged in emergency medical services, (ii) engaged in
136 fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged in processing
137 calls for service or other communications to an emergency 911 system or any other equivalent reporting
138 system may withhold those portions of noncriminal incident or other noncriminal investigative reports or
139 materials that contain identifying information of a personal, medical, or financial nature where the release
140 of such information would jeopardize the safety or privacy of any person. Access to personnel records of
141 persons employed by a law-enforcement agency shall be governed by the provisions of subdivision B 9
142 of this section and subdivision 1 of § 2.2-3705.1, as applicable.

143 E. Records of any call for service or other communication to an emergency 911 system or
144 communicated with any other equivalent reporting system shall be subject to the provisions of this chapter.

145 F. Conflict resolution. In the event of conflict between this section as it relates to requests made
146 under this section and other provisions of law, this section shall control.

147 **§ 2.2-3802. Systems to which chapter inapplicable.**

148 The provisions of this chapter shall not apply to personal information systems:

149 1. Maintained by any court of the Commonwealth;

150 2. Which may exist in publications of general circulation;

151 3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137
152 or in the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police
153 pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to
154 be posted on the Internet pursuant to § 9.1-913;

155 4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through
156 16.1-225;

157 5. Maintained by agencies concerning persons required by law to be licensed in the
158 Commonwealth to engage in the practice of any profession, in which case the names and addresses of
159 persons applying for or possessing the license may be disseminated upon written request to a person

160 engaged in the profession or business of offering professional educational materials or courses for the sole
161 purpose of providing the licensees or applicants for licenses with informational materials relating solely
162 to available professional educational materials or courses, provided the disseminating agency is
163 reasonably assured that the use of the information will be so limited;

164 6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review
165 Commission, the Virginia Racing Commission, the Virginia Criminal Sentencing Commission, and the
166 Virginia Alcoholic Beverage Control Authority;

167 7. Maintained by any of the following and that deal with investigations and intelligence gathering
168 related to criminal activity:

169 a. The Department of State Police;

170 b. The police department of the Chesapeake Bay Bridge and Tunnel Commission;

171 c. Police departments of cities, counties, and towns;

172 d. Sheriff's departments of counties and cities;

173 e. Campus police departments of public institutions of higher education or the Office of Public
174 Safety and Security Services of the Virginia School for the Deaf and the Blind as established by Article 3
175 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and

176 f. The Division of Capitol Police.

177 8. Maintained by local departments of social services regarding alleged cases of child abuse or
178 neglect while such cases are also subject to an ongoing criminal prosecution;

179 9. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;

180 10. Maintained by the Virginia Tourism Authority in connection with or as a result of the
181 promotion of travel or tourism in the Commonwealth, in which case names and addresses of persons
182 requesting information on those subjects may be disseminated upon written request to a person engaged
183 in the business of providing travel services or distributing travel information, provided the Virginia
184 Tourism Authority is reasonably assured that the use of the information will be so limited;

185 11. Maintained by the Division of Consolidated Laboratory Services of the Department of General
186 Services and the Department of Forensic Science, which deal with scientific investigations relating to
187 criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;

188 12. Maintained by the Department of Corrections or the Office of the State Inspector General that
189 deal with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2
190 (§ 2.2-307 et seq.);

191 13. Maintained by (i) the Office of the State Inspector General or internal audit departments of
192 state agencies or institutions that deal with communications and investigations relating to the Fraud, Waste
193 and Abuse Hotline or (ii) an auditor appointed by the local governing body of any county, city, or town
194 or a school board that deals with local investigations required by § 15.2-2511.2;

195 14. Maintained by the Department of Social Services or any local department of social services
196 relating to public assistance fraud investigations;

197 15. Maintained by the Department of Social Services related to child welfare or public assistance
198 programs when requests for personal information are made to the Department of Social Services. Requests
199 for information from these systems shall be made to the appropriate local department of social services
200 that is the custodian of that record. Notwithstanding the language in this section, an individual shall not
201 be prohibited from obtaining information from the central registry in accordance with the provisions of §
202 63.2-1515; and

203 16. Maintained by the Department for Aging and Rehabilitative Services related to adult services,
204 adult protective services, or auxiliary grants when requests for personal information are made to the
205 Department for Aging and Rehabilitative Services. Requests for information from these systems shall be
206 made to the appropriate local department of social services that is the custodian of that record.

207 **§ 9.1-161. Crime prevention specialists; duties.**

208 The Board shall adopt regulations establishing minimum standards for certification of crime
209 prevention specialists. Such regulations shall require that the chief law-enforcement officer of the locality
210 or the campus police departments of institutions of higher education or the Office of Public Safety and
211 Security Services of the Virginia School for the Deaf and the Blind established by Article 3 (§ 23.1-809

212 et seq.) of Chapter 8 of Title 23.1 wherein the person serves shall approve the certification before a
213 candidate for certification may serve as a crime prevention specialist. A crime prevention specialist shall
214 have the duty to:

215 1. Provide citizens living within his jurisdiction information concerning personal safety and the
216 security of property, and other matters relating to the reduction of criminal opportunity;

217 2. Provide business establishments within his jurisdiction information concerning business and
218 employee security, and other matters relating to reduction of criminal activity;

219 3. Provide citizens and businesses within his jurisdiction assistance in forming and maintaining
220 neighborhood and business watch groups and other community-based crime prevention programs;

221 4. Provide assistance to other units of government within his jurisdiction in developing plans and
222 procedures related to the reduction of criminal activity within government and the community; and

223 5. Promote the reduction and prevention of crime within his jurisdiction and the Commonwealth.

224 **§ 9.1-601. Law-enforcement civilian oversight bodies.**

225 A. 1. As used in this section, unless the context requires a different meaning:

226 "Law-enforcement agency" means a police department established pursuant to § 15.2-1701 or a
227 campus police department of any public institution of higher education of the Commonwealth or the Office
228 of Public Safety and Security Services of the Virginia School for the Deaf and the Blind employing a law-
229 enforcement officer established pursuant to § 23.1-809.

230 "Law-enforcement officer" means any person, other than a chief of police, who in his official
231 capacity (i) is authorized by law to make arrests and (ii) is a nonprobationary officer of a police
232 department, bureau, or force of any political subdivision, or a campus police department of any public
233 institution of higher education of the Commonwealth or the Office of Public Safety and Security Services
234 of the Virginia School for the Deaf and the Blind, where such department, bureau, ~~or~~ force, or office has
235 three or more law-enforcement officers. "Law-enforcement officer" does not include a sheriff or deputy
236 sheriff or any law-enforcement officer who has rights afforded to him pursuant to the provisions of Chapter
237 5 (§ 9.1-500 et seq.).

238 "Locality" shall be construed to mean a county or city as the context may require.

239 2. For the purposes of this section, a "law-enforcement agency serving under the authority of the
240 locality" shall be construed to mean any law-enforcement agency established within the boundaries of a
241 locality, including any town police departments or any campus police departments of any public institution
242 of higher education of the Commonwealth or the Office of Public Safety and Security Services of the
243 Virginia School for the Deaf and the Blind established within such boundaries.

244 B. The governing body of a locality may establish a law-enforcement civilian oversight body. Any
245 law-enforcement civilian oversight body established by the governing body of a locality shall reflect the
246 demographic diversity of the locality.

247 C. A law-enforcement civilian oversight body established pursuant to this section may have the
248 following duties regarding any law-enforcement agency established within the boundaries of such locality:

249 1. To receive, investigate, and issue findings on complaints from civilians regarding the conduct
250 of law-enforcement officers and civilian employees of a law-enforcement agency serving under the
251 authority of the locality;

252 2. To investigate and issue findings on incidents, including the use of force by a law-enforcement
253 officer, death or serious injury to any person held in custody, serious abuse of authority or misconduct,
254 allegedly discriminatory stops, and other incidents regarding the conduct of law-enforcement officers or
255 civilian employees of a law-enforcement agency serving under the authority of the locality;

256 3. Concordant with any investigation conducted pursuant to subdivisions 1 and 2 and after
257 consultation with such officer's or employee's direct supervisor or commander, to make binding
258 disciplinary determinations in cases that involve serious breaches of departmental and professional
259 standards, as defined by the locality. Such disciplinary determinations may include letters of reprimand,
260 suspension without pay, suspension with pay, demotion within the department, reassignment within the
261 department, termination, involuntary restitution, or mediation, any of which is to be implemented by the
262 local government employee with ultimate supervisory authority over officers or employees of law-
263 enforcement agencies serving under the authority of the locality;

264 4. To investigate policies, practices, and procedures of law-enforcement agencies serving under
265 the authority of the locality and to make recommendations regarding changes to such policies, practices,

266 and procedures. If the law-enforcement agency declines to implement any changes recommended by the
267 law-enforcement civilian oversight body, such law-enforcement civilian oversight body may require the
268 law-enforcement agency to create a written record, which shall be made available to the public, of its
269 rationale for declining to implement a recommendation of the law-enforcement civilian oversight body;

270 5. To review all investigations conducted internally by law-enforcement agencies serving under
271 the authority of the locality, including internal investigations of civilians employed by such law-
272 enforcement agencies, and to issue findings regarding the accuracy, completeness, and impartiality of such
273 investigations and the sufficiency of any discipline resulting from such investigations;

274 6. To request reports of the annual expenditures of the law-enforcement agencies serving under
275 the authority of the locality and to make budgetary recommendations to the governing body of the locality
276 concerning future appropriations;

277 7. To make public reports on the activities of the law-enforcement civilian oversight body,
278 including investigations, hearings, findings, recommendations, determinations, and oversight activities;
279 and

280 8. To undertake any other duties as reasonably necessary for the law-enforcement civilian
281 oversight body to effectuate its lawful purpose as provided for in this section to effectively oversee the
282 law-enforcement agencies serving under the authority of the locality.

283 D. The governing body of the locality shall establish the policies and procedures for the
284 performance of duties by the law-enforcement civilian oversight body as set forth in this section. The law-
285 enforcement civilian oversight body may hold hearings and, if after making a good faith effort to obtain,
286 voluntarily, the attendance of witnesses and the production of books, papers, and other evidence necessary
287 to perform its duties the law-enforcement civilian oversight body is unable to obtain such attendance or
288 production, it may apply to the circuit court for the locality for a subpoena compelling the attendance of
289 such witness or the production of such books, papers, and other evidence, and the court may, upon good
290 cause shown, cause the subpoena to be issued. Any person so subpoenaed may apply to the court that
291 issued such subpoena to quash it.

292 E. Any person currently employed as a law-enforcement officer as defined in § 9.1-101 is ineligible
293 to serve on a law-enforcement civilian oversight body established pursuant to this section; however, a
294 retired law-enforcement officer may serve on such law-enforcement civilian oversight body as an
295 advisory, nonvoting ex officio member. Such retired law-enforcement officer shall not have been
296 previously employed as a law-enforcement officer by a law-enforcement agency established within the
297 boundaries of such locality but shall have been employed as a law-enforcement officer as defined in § 9.1-
298 101 in a locality that is similar to the locality that established such law-enforcement civilian oversight
299 body.

300 F. A law-enforcement officer who is subject to a binding disciplinary determination may file a
301 grievance requesting a final hearing in accordance with § 15.2-1507, provided that such matter is a
302 qualifying grievance under the locality's grievance procedures.

303 G. A law-enforcement civilian oversight body may retain legal counsel to represent such oversight
304 body in all cases, hearings, controversies, or matters involving the interests of the oversight body. Such
305 counsel shall be paid from funds appropriated by the locality.

306 **§ 15.2-1721.1. Acquisition of military property by localities and certain other individuals and**
307 **entities.**

308 A. ~~No~~ Neither any locality, sheriff, chief of police, or director or chief executive of any agency or
309 department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 ~~or~~ nor any
310 public or private institution of higher education that has established a campus police department pursuant
311 to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 nor the Virginia School for the Deaf and the
312 Blind if it has established a campus security office pursuant to Article 3 of Chapter 8 of Title 23.1 shall
313 acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat
314 or are combat-coded and have no established commercial flight application; (iii) grenades or similar
315 explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored
316 multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known
317 as MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) rifles of .50

318 caliber or higher; (vii) rifle ammunition of .50 caliber or higher; or (viii) weaponized tracked armored
319 vehicles.

320 Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility
321 multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item
322 in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property
323 obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided
324 by law.

325 B. Any locality, sheriff, chief of police, or director or chief executive of any agency or department
326 employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 that has previously acquired
327 any item listed in subsection A is prohibited from using such items unless such locality, sheriff, chief of
328 police, or director or chief executive has received a waiver to use such items from the Criminal Justice
329 Services Board. Any waiver request made to the Criminal Justice Services Board shall be limited to special
330 weapons and tactics unit or other equivalent unit use only. The Criminal Justice Services Board may grant
331 a waiver upon a showing of good cause by the requesting locality, sheriff, chief of police, or director or
332 chief executive that the continued use of the item that is the subject of the waiver request has a bona fide
333 public safety purpose.

334 Any locality, sheriff, chief of police, or director or chief executive that has filed a waiver request
335 with the Criminal Justice Services Board may continue to use such prohibited items while such waiver
336 request is pending before the Criminal Justice Services Board. If such waiver request is denied, the
337 locality, sheriff, chief of police, or director or chief executive that filed such waiver shall no longer use
338 such prohibited item.

339 C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise
340 acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal
341 property that is not specifically prohibited pursuant to subsection A from the federal government.

342 **§ 23.1-809. Public institutions of higher education; Virginia School for the Deaf and the**
343 **Blind; establishment of campus police departments authorized; employment of officers.**

344 A. As used in this article:

345 "Campus police department" includes any police department established by any public institution
346 of higher education or the Office of Public Safety and Security Services of the Virginia School for the
347 Deaf and the Blind, pursuant to this section.

348 "Campus police officer" means any law-enforcement or police officer employed by any public
349 institution of higher education or any campus security personnel employed by the Virginia School for the
350 Deaf and the Blind, pursuant to this section.

351 "Institution" includes any public institution of higher education, any private institution of higher
352 education, and the Virginia School for the Deaf and the Blind.

353 B. The governing board of each public institution of higher education and the Virginia School for
354 the Deaf and the Blind may establish a campus police department and employ campus police officers and
355 auxiliary police forces upon appointment as provided in §§ 23.1-811 and 23.1-812. Such employment is
356 governed by the Virginia Personnel Act (§ 2.2-2900 et seq.), except that the governing board of a public
357 institution of higher education may direct that the employment of the chief of the campus police
358 department is not governed by the Virginia Personnel Act.

359 ~~B.~~C. The Virginia Commonwealth University Health System Authority and Eastern Virginia
360 Medical School may employ police officers and auxiliary police forces as provided in this article and, in
361 the case of the Authority, in § 23.1-2406, except that the employment of such officers and forces is not
362 governed by the Virginia Personnel Act (§ 2.2-2900 et seq.).

363 **§ 23.1-812. Appointment of campus police officers and members of an auxiliary police force.**

364 A. Prior to appointment as a campus police officer or member of an auxiliary police force, each
365 individual shall be investigated by the campus police department of the institution applying for the order
366 of appointment or, if none has been established, by the police department of the locality in which such
367 institution is located. Such investigation shall determine whether the individual is responsible, honest, and
368 in all ways capable of performing the duties of a campus police officer.

369 B. Upon application of the governing board of an institution, the circuit court of the locality in
370 which the institution is located may, by order, appoint the individuals named in the application to be
371 campus police officers or members of an auxiliary police force at such institution.

372 C. Each campus police officer and member of an auxiliary police force appointed and employed
373 pursuant to this article is a state employee of the institution named in the order of appointment. Insofar as
374 it is not inconsistent with the Virginia Personnel Act (§ 2.2-2900 et seq.), the governing board of such
375 institution and the Board of Visitors of the Virginia School for the Deaf and the Blind shall provide for
376 the conditions and terms of employment and compensation and a distinctive uniform and badge of office
377 for such officers and members of an auxiliary police force.

378 **§ 23.1-815. Campus police forces and auxiliary police forces; powers and duties; jurisdiction.**

379 A. As used in this section:

380 "Campus" means (i) any building or property owned or controlled by an institution of higher
381 education or the Virginia School for the Deaf and the Blind located within the same reasonably contiguous
382 geographic area of the institution and used by the institution in direct support of, or in a manner relating
383 to, the institution's educational purposes, including residence halls, and (ii) any building or property that
384 is within or reasonably contiguous to the area described in clause (i) that is owned by the institution but
385 controlled by another person, is frequently used by students, and supports institutional purposes, such as
386 a food or other retail vendor.

387 "Noncampus building or property" means (i) any building or property owned or controlled by a
388 student organization that is officially recognized by an institution of higher education or (ii) any building
389 or property owned or controlled by an institution of higher education that is used in direct support of, or
390 in relation to, the institution's educational purposes, is frequently used by students, and is not within the
391 same reasonably contiguous geographic area of the institution.

392 "Public property" means all public property, including thoroughfares, streets, sidewalks, and
393 parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

394 B. A campus police officer appointed as provided in § 23.1-812 or a member of an auxiliary police
395 force appointed and activated pursuant to §§ 23.1-811 and 23.1-812 shall be deemed police officers of
396 localities who may exercise the powers and duties conferred by law upon such police officers, including
397 the provisions of Chapters 5 (§ 19.2-52 et seq.), 7 (§ 19.2-71 et seq.), and 23 (§ 19.2-387 et seq.) of Title
398 19.2, (i) upon any property owned or controlled by the public institution of higher education or private

399 institution of higher education or the Virginia School for the Deaf and the Blind, or, upon request, any
400 property owned or controlled by another public institution of higher education or private institution of
401 higher education, and upon the streets, sidewalks, and highways immediately adjacent to any such
402 property; (ii) pursuant to a mutual aid agreement (a) as provided for in § 15.2-1727 or (b) between the
403 governing board of a public institution of higher education or private institution of higher education and
404 another public institution of higher education or private institution of higher education in the
405 Commonwealth or an adjacent political subdivision; (iii) in close pursuit of a person as provided in § 19.2-
406 77; and (iv) upon approval by the appropriate circuit court of a petition by the local governing body for
407 concurrent jurisdiction in designated areas with the police officers of the locality in which the institution,
408 its satellite campuses, or other properties are located. The local governing body may only petition the
409 circuit court for such concurrent jurisdiction pursuant to a request by the local law-enforcement agency.

410 C. Each ~~public institution of higher education and private institution of higher education~~ that
411 establishes a campus police force pursuant to this article shall enter into and become a party to a mutual
412 aid agreement with an adjacent local law-enforcement agency or the Department of State Police for the
413 use of their regular and auxiliary joint forces, equipment, and materials when needed in the investigation
414 of any felony criminal sexual assault or medically unattended death occurring on property owned or
415 controlled by such institution or any death resulting from an incident occurring on such property. Such
416 mutual aid agreements shall include provisions requiring either the campus police force or the agency with
417 which it has established a mutual aid agreement pursuant to this subsection, in the event that such police
418 force or agency conducts an investigation that involves a felony criminal sexual assault as set forth in
419 Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, in or on a noncampus building
420 or property, or on public property, to notify the local attorney for the Commonwealth of such investigation
421 within 48 hours of beginning such investigation. No such notification provision shall require a campus
422 police force or the agency with which it has established a mutual aid agreement to disclose identifying
423 information about the victim. Nothing in this section prohibits a campus police force or auxiliary police
424 force from requesting assistance from any appropriate law-enforcement agency of the Commonwealth
425 with which the institution has not entered into a mutual aid agreement.

426 D. Each public institution of higher education and nonprofit private institution of higher education
427 that (i) has not established a campus police force or auxiliary police force pursuant to this article and (ii)
428 has a security department, relies on local or state police forces, or contracts for security services from
429 private parties pursuant to § 23.1-818 shall enter into and become a party to a memorandum of
430 understanding with an adjacent local law-enforcement agency or the Department of State Police (the
431 Department) to require either such local law-enforcement agency or the Department, in the event that such
432 agency or the Department conducts an investigation that involves a felony criminal sexual assault as set
433 forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, in or on a noncampus
434 building or property, or on public property, to notify the local attorney for the Commonwealth of such
435 investigation within 48 hours of beginning such investigation. No such notification provision shall require
436 the law-enforcement agency or the Department to disclose identifying information about the victim.

437 E. All mutual aid agreements and memoranda of understanding entered into pursuant to this section
438 shall specify the procedure for sharing information.

439 **§ 59.1-148.3. Purchase of handguns or other weapons of certain officers.**

440 A. The Department of State Police, the Department of Wildlife Resources, the Virginia Alcoholic
441 Beverage Control Authority, the Virginia Lottery, the Marine Resources Commission, the Capitol Police,
442 the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail
443 board or authority, and any local police department may allow any sworn law-enforcement officer, deputy,
444 or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department
445 of Motor Vehicles may allow any law-enforcement officer, any institution of higher education named in
446 § 23.1-1100 or the Virginia School for the Deaf and the Blind may allow any campus police officer or
447 campus security personnel appointed pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1,
448 retiring on or after July 1, 1991, and the Department of Corrections may allow any employee with internal
449 investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-
450 10 who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a
451 service-incurred disability or who is receiving long-term disability payments for a service-incurred
452 disability with no expectation of returning to the employment where he incurred the disability to purchase

453 the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the
454 previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon.
455 This privilege shall also extend to any former Superintendent of the Department of State Police who leaves
456 service after a minimum of five years. This privilege shall also extend to any person listed in this
457 subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1,
458 1991, in good standing from one of the agencies listed in this section to accept a position covered by the
459 Virginia Retirement System. Other weapons issued by the agencies listed in this subsection for personal
460 duty use of an officer may, with approval of the agency head, be sold to the officer subject to the
461 qualifications of this section at a fair market price determined as in subsection B, so long as the weapon
462 is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private
463 citizen without restrictions other than the instant background check.

464 B. The agencies listed in subsection A may allow any sworn law-enforcement officer who retires
465 with five or more years of service, but less than 10, to purchase the service handgun issued to him by the
466 agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any
467 sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for
468 disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him
469 by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement.
470 Determinations of fair market value may be made by reference to a recognized pricing guide.

471 C. The agencies listed in subsection A may allow the immediate survivor of any sworn law-
472 enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years
473 of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

474 D. The governing board of any institution of higher learning named in § 23.1-1100 or the Board
475 of Visitors of the Virginia School for the Deaf and the Blind may allow any campus police officer or
476 campus security personnel appointed pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1
477 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to
478 the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value
479 may be made by reference to a recognized pricing guide.

480 E. Any officer who at the time of his retirement is a sworn law-enforcement officer with a state
481 agency listed in subsection A, when the agency allows purchases of service handguns, and who retires
482 after 10 years of state service, even if a portion of his service was with another state agency, may purchase
483 the service handgun issued to him by the agency from which he retires at a price of \$1.

484 F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a
485 minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to
486 him.

487 G. Any sheriff or local police department may allow any auxiliary law-enforcement officer with
488 more than 10 years of service to purchase the service handgun issued to him by the agency at a price that
489 is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

490 H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer
491 currently employed by the agency to purchase his service handgun, with the approval of the chief law-
492 enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency
493 has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used
494 by the agency or officer in the course of duty.

495 **§ 65.2-107. Post-traumatic stress disorder incurred by law-enforcement officers and**
496 **firefighters.**

497 A. As used in this section:

498 "Firefighter" means any (i) salaried firefighter, including special forest wardens designated
499 pursuant to § 10.1-1135, emergency medical services personnel, and local or state fire scene investigator
500 and (ii) volunteer firefighter and volunteer emergency medical services personnel.

501 "In the line of duty" means any action that a law-enforcement officer or firefighter was obligated
502 or authorized to perform by rule, regulation, written condition of employment service, or law.

503 "Law-enforcement officer" means any (i) member of the State Police Officers' Retirement System;
504 (ii) member of a county, city, or town police department; (iii) sheriff or deputy sheriff; (iv) Department of
505 Emergency Management hazardous materials officer; (v) city sergeant or deputy city sergeant of the City
506 of Richmond; (vi) Virginia Marine Police officer; (vii) conservation police officer who is a full-time sworn

507 member of the enforcement division of the Department of Wildlife Resources; (viii) Capitol Police officer;
508 (ix) special agent of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of
509 Chapter 1 (§ 4.1-100 et seq.) of Title 4.1; (x) for such period that the Metropolitan Washington Airports
510 Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of
511 the police force established and maintained by the Metropolitan Washington Airports Authority; (xi)
512 officer of the police force established and maintained by the Norfolk Airport Authority; (xii) sworn officer
513 of the police force established and maintained by the Virginia Port Authority; or (xiii) campus police
514 officer or campus security personnel appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title
515 23.1 and employed by any public institution of higher education or by the Virginia School for the Deaf
516 and the Blind.

517 "Mental health professional" means a board-certified psychiatrist or a psychologist licensed
518 pursuant to Title 54.1 who has experience diagnosing and treating post-traumatic stress disorder.

519 "Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for post-
520 traumatic stress disorder as specified in the most recent edition of the American Psychiatric Association's
521 Diagnostic and Statistical Manual of Mental Disorders.

522 "Qualifying event" means an incident or exposure occurring in the line of duty on or after July 1,
523 2020:

- 524 1. Resulting in serious bodily injury or death to any person or persons;
- 525 2. Involving a minor who has been injured, killed, abused, or exploited;
- 526 3. Involving an immediate threat to life of the claimant or another individual;
- 527 4. Involving mass casualties; or
- 528 5. Responding to crime scenes for investigation.

529 B. Post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is
530 compensable under this title if:

- 531 1. A mental health professional examines a law-enforcement officer or firefighter and diagnoses
532 the law-enforcement officer or firefighter as suffering from post-traumatic stress disorder as a result of the
533 individual's undergoing a qualifying event;

534 2. The post-traumatic stress disorder resulted from the law-enforcement officer's or firefighter's
535 acting in the line of duty and, in the case of a firefighter, such firefighter complied with federal
536 Occupational Safety and Health Act standards adopted pursuant to 29 C.F.R. 1910.134 and 29 C.F.R.
537 1910.156;

538 3. The law-enforcement officer's or firefighter's undergoing a qualifying event was a substantial
539 factor in causing his post-traumatic stress disorder;

540 4. Such qualifying event, and not another event or source of stress, was the primary cause of the
541 post-traumatic stress disorder; and

542 5. The post-traumatic stress disorder did not result from any disciplinary action, work evaluation,
543 job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the law-
544 enforcement officer or firefighter.

545 Any such mental health professional shall comply with any workers' compensation guidelines for
546 approved medical providers, including guidelines on release of past or contemporaneous medical records.

547 C. Notwithstanding any provision of this title, workers' compensation benefits for any law-
548 enforcement officer or firefighter payable pursuant to this section shall (i) include any combination of
549 medical treatment prescribed by a board-certified psychiatrist or a licensed psychologist, temporary total
550 incapacity benefits under § 65.2-500, and temporary partial incapacity benefits under § 65.2-502 and (ii)
551 be provided for a maximum of 52 weeks from the date of diagnosis. No medical treatment, temporary
552 total incapacity benefits under § 65.2-500, or temporary partial incapacity benefits under § 65.2-502 shall
553 be awarded beyond four years from the date of the qualifying event that formed the basis for the claim for
554 benefits under this section. The weekly benefits received by a law-enforcement officer or a firefighter
555 pursuant to § 65.2-500 or 65.2-502, when combined with other benefits, including contributory and
556 noncontributory retirement benefits, Social Security benefits, and benefits under a long-term or short-term
557 disability plan, but not including payments for medical care, shall not exceed the average weekly wage
558 paid to such law-enforcement officer or firefighter.

559 D. No later than January 1, 2021, each employer of law-enforcement officers or firefighters shall
560 (i) make peer support available to such law-enforcement officers and firefighters and (ii) refer a law-
561 enforcement officer or firefighter seeking mental health care services to a mental health professional.

562 E. Each fire basic training program conducted or administered by the Department of Fire Programs
563 or a municipal fire department in the Commonwealth shall provide, in consultation with the Department
564 of Behavioral Health and Developmental Services, resilience and self-care technique training for any
565 individual who begins basic training as a firefighter on or after July 1, 2021.

566 **§ 65.2-402. Presumption as to death or disability from respiratory disease, hypertension or**
567 **heart disease, cancer.**

568 A. Respiratory diseases that cause (i) the death of volunteer or salaried firefighters or Department
569 of Emergency Management hazardous materials officers or (ii) any health condition or impairment of such
570 firefighters or Department of Emergency Management hazardous materials officers resulting in total or
571 partial disability shall be presumed to be occupational diseases, suffered in the line of duty, that are
572 covered by this title unless such presumption is overcome by a preponderance of competent evidence to
573 the contrary.

574 B. Hypertension or heart disease causing the death of, or any health condition or impairment
575 resulting in total or partial disability of any of the following persons who have completed five years of
576 service in their position as (i) salaried or volunteer firefighters, (ii) members of the State Police Officers'
577 Retirement System, (iii) members of county, city or town police departments, (iv) sheriffs and deputy
578 sheriffs, (v) Department of Emergency Management hazardous materials officers, (vi) city sergeants or
579 deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police officers, (viii) conservation
580 police officers who are full-time sworn members of the enforcement division of the Department of
581 Wildlife Resources, (ix) Capitol Police officers, (x) special agents of the Virginia Alcoholic Beverage
582 Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for
583 such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the
584 provisions of this chapter as provided in § 65.2-305, officers of the police force established and maintained
585 by the Metropolitan Washington Airports Authority, (xii) officers of the police force established and

586 maintained by the Norfolk Airport Authority, (xiii) sworn officers of the police force established and
587 maintained by the Virginia Port Authority, (xiv) campus police officers or campus security personnel
588 appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public
589 institution of higher education or the Virginia School for the Deaf and the Blind, and (xv) salaried or
590 volunteer emergency medical services personnel, as defined in § 32.1-111.1, when such emergency
591 medical services personnel is operating in a locality that has legally adopted a resolution declaring that it
592 will provide one or more of the presumptions under this subsection, shall be presumed to be occupational
593 diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome
594 by a preponderance of competent evidence to the contrary.

595 C. Leukemia or pancreatic, prostate, rectal, throat, ovarian, breast, colon, brain, or testicular cancer
596 causing the death of, or any health condition or impairment resulting in total or partial disability of, any
597 volunteer or salaried firefighter, Department of Emergency Management hazardous materials officer,
598 commercial vehicle enforcement officer or motor carrier safety trooper employed by the Department of
599 State Police, or full-time sworn member of the enforcement division of the Department of Motor Vehicles
600 having completed five years of service shall be presumed to be an occupational disease, suffered in the
601 line of duty, that is covered by this title, unless such presumption is overcome by a preponderance of
602 competent evidence to the contrary. For colon, brain, or testicular cancer, the presumption shall not apply
603 for any individual who was diagnosed with such a condition before July 1, 2020.

604 D. The presumptions described in subsections A, B, and C shall only apply if persons entitled to
605 invoke them have, if requested by the private employer, appointing authority or governing body
606 employing them, undergone preemployment physical examinations that (i) were conducted prior to the
607 making of any claims under this title that rely on such presumptions, (ii) were performed by physicians
608 whose qualifications are as prescribed by the private employer, appointing authority or governing body
609 employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the
610 private employer, appointing authorities or governing bodies may have prescribed, and (iv) found such
611 persons free of respiratory diseases, hypertension, cancer or heart disease at the time of such examinations.

612 E. Persons making claims under this title who rely on such presumptions shall, upon the request
613 of private employers, appointing authorities or governing bodies employing such persons, submit to
614 physical examinations (i) conducted by physicians selected by such employers, authorities, bodies or their
615 representatives and (ii) consisting of such tests and studies as may reasonably be required by such
616 physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election
617 of such claimant, be present at such examination.

618 F. Whenever a claim for death benefits is made under this title and the presumptions of this section
619 are invoked, any person entitled to make such claim shall, upon the request of the appropriate private
620 employer, appointing authority or governing body that had employed the deceased, submit the body of
621 the deceased to a postmortem examination as may be directed by the Commission. A qualified physician,
622 selected and compensated by the person entitled to make the claim, may, at the election of such claimant,
623 be present at such postmortem examination.

624 G. Volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and
625 reserve police are not included within the coverage of this section.

626 H. For purposes of this section, "firefighter" includes special forest wardens designated pursuant
627 to § 10.1-1135 and any persons who are employed by or contract with private employers primarily to
628 perform firefighting services.

629 **§ 65.2-402.1. Presumption as to death or disability from infectious disease.**

630 A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health
631 condition or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter,
632 or salaried or volunteer emergency medical services personnel; (ii) member of the State Police Officers'
633 Retirement System; (iii) member of county, city, or town police departments; (iv) sheriff or deputy sheriff;
634 (v) Department of Emergency Management hazardous materials officer; (vi) city sergeant or deputy city
635 sergeant of the City of Richmond; (vii) Virginia Marine Police officer; (viii) conservation police officer
636 who is a full-time sworn member of the enforcement division of the Department of Wildlife Resources;
637 (ix) Capitol Police officer; (x) special agent of the Virginia Alcoholic Beverage Control Authority
638 appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1; (xi) for such period that the

639 Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as
640 provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan
641 Washington Airports Authority; (xii) officer of the police force established and maintained by the Norfolk
642 Airport Authority; (xiii) conservation officer of the Department of Conservation and Recreation
643 commissioned pursuant to § 10.1-115; (xiv) sworn officer of the police force established and maintained
644 by the Virginia Port Authority; (xv) campus police officer or campus security personnel appointed under
645 Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public institution of higher
646 education or the Virginia School for the Deaf and the Blind; (xvi) correctional officer as defined in § 53.1-
647 1; or (xvii) full-time sworn member of the enforcement division of the Department of Motor Vehicles who
648 has a documented occupational exposure to blood or body fluids shall be presumed to be occupational
649 diseases, suffered in the line of government duty, that are covered by this title unless such presumption is
650 overcome by a preponderance of competent evidence to the contrary. For purposes of this subsection, an
651 occupational exposure occurring on or after July 1, 2002, shall be deemed "documented" if the person
652 covered under this subsection gave notice, written or otherwise, of the occupational exposure to his
653 employer, and an occupational exposure occurring prior to July 1, 2002, shall be deemed "documented"
654 without regard to whether the person gave notice, written or otherwise, of the occupational exposure to
655 his employer. For any correctional officer as defined in § 53.1-1 or full-time sworn member of the
656 enforcement division of the Department of Motor Vehicles, the presumption shall not apply if such
657 individual was diagnosed with hepatitis, meningococcal meningitis, or HIV before July 1, 2020.

658 B. 1. COVID-19 causing the death of, or any health condition or impairment resulting in total or
659 partial disability of, any health care provider, as defined in § 8.01-581.1, who as part of the provider's
660 employment is directly involved in diagnosing or treating persons known or suspected to have COVID-
661 19, shall be presumed to be an occupational disease that is covered by this title unless such presumptions
662 are overcome by a preponderance of competent evidence to the contrary. For the purposes of this section,
663 the COVID-19 virus shall be established by a positive diagnostic test for COVID-19 and signs and
664 symptoms of COVID-19 that require medical treatment, as described in subdivision F 2.

665 2. COVID-19 causing the death of, or any health condition or impairment resulting in total or
666 partial disability of, any (i) firefighter, as defined in § 65.2-102; (ii) law-enforcement officer, as defined
667 in § 9.1-101; (iii) correctional officer, as defined in § 53.1-1; or (iv) regional jail officer shall be presumed
668 to be an occupational disease, suffered in the line of duty, as applicable, that is covered by this title unless
669 such presumption is overcome by a preponderance of competent evidence to the contrary. For the purposes
670 of this section, the COVID-19 virus shall be established by a positive diagnostic test for COVID-19, an
671 incubation period consistent with COVID-19, and signs and symptoms of COVID-19 that require medical
672 treatment.

673 C. As used in this section:

674 "Blood or body fluids" means blood and body fluids containing visible blood and other body fluids
675 to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as
676 established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis,
677 meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory,
678 salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which
679 infectious airborne or blood-borne organisms can be transmitted between persons.

680 "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C, or any
681 other strain of hepatitis generally recognized by the medical community.

682 "HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type
683 I or type II, causing immunodeficiency syndrome.

684 "Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV,
685 means an exposure that occurs during the performance of job duties that places a covered employee at risk
686 of infection.

687 D. Persons covered under this section who test positive for exposure to the enumerated
688 occupational diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be
689 entitled to make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual
690 medical examination to measure the progress of the condition, if any, and any other medical treatment,
691 prophylactic or otherwise.

692 E. 1. Whenever any standard, medically-recognized vaccine or other form of immunization or
693 prophylaxis exists for the prevention of a communicable disease for which a presumption is established
694 under this section, if medically indicated by the given circumstances pursuant to immunization policies
695 established by the Advisory Committee on Immunization Practices of the United States Public Health
696 Service, a person subject to the provisions of this section may be required by such person's employer to
697 undergo the immunization or prophylaxis unless the person's physician determines in writing that the
698 immunization or prophylaxis would pose a significant risk to the person's health. Absent such written
699 declaration, failure or refusal by a person subject to the provisions of this section to undergo such
700 immunization or prophylaxis shall disqualify the person from any presumption established by this section.

701 2. The presumptions described in subdivision B 1 shall not apply to any person offered by such
702 person's employer a vaccine for the prevention of COVID-19 with an Emergency Use Authorization
703 issued by the U.S. Food and Drug Administration, unless the person is immunized or the person's
704 physician determines in writing that the immunization would pose a significant risk to the person's health.
705 Absent such written declaration, failure or refusal by a person subject to the provisions of this section to
706 undergo such immunization shall disqualify the person from the presumptions described in subdivision B
707 1.

708 F. 1. The presumptions described in subsection A shall only apply if persons entitled to invoke
709 them have, if requested by the appointing authority or governing body employing them, undergone
710 preemployment physical examinations that (i) were conducted prior to the making of any claims under
711 this title that rely on such presumptions; (ii) were performed by physicians whose qualifications are as
712 prescribed by the appointing authority or governing body employing such persons; (iii) included such
713 appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies may
714 have prescribed; and (iv) found such persons free of hepatitis, meningococcal meningitis, tuberculosis or
715 HIV at the time of such examinations. The presumptions described in subsection A shall not be effective
716 until six months following such examinations, unless such persons entitled to invoke such presumption
717 can demonstrate a documented exposure during the six-month period.

